

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of

Robert S. Block et al.

Application No.: 10/091,140

Filed: March 6, 2002

For: BUSINESS ANALYSIS TOOL

) **Mail Stop PETITION**

) Group Art Unit: 2637

) Examiner: James S. McClellan

) Confirmation No.: 5151

**PETITION UNDER 37 CFR § 1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed 30 December 2004,
Applicant respectfully requests withdrawal of the holding of Abandonment.

The Notice of Abandonment indicates that the Examiner held the application
abandoned because Applicant failed to timely respond to the Final Office Action
mailed 29 January 2004. This is incorrect.

Applicant timely filed a Notice of Appeal together with a Petition for Two-
Month Extension of Time on 29 June 2004. Accordingly, an Appeal Brief or Request
for Continued Examination (RCE) was two months later by the 29 August 2004 due
date. (A copy of the stamped postcard verifying receipt of this filing by the U.S.
Patent and Trademark Office is filed herewith). However, this two-month time period
was extendible by five (5) months, so that an Appeal Brief or RCE filed together with
a Petition for 5-Month Extension of Time by **29 January 2005** would be a timely
response to the outstanding Final Office Action.

Unfortunately, the Examiner prematurely mailed out the Notice of Abandonment on **30 December 2004**.

Applicant timely filed an RCE together with a submission and a Petition for 5-Month Extension of Time on Monday, 31 January 2005 (the 29 January due date having fallen upon a weekend). A copy of the stamped postcard confirming receipt of the RCE, submission and Petition for Extension of Time by the U.S. Patent and Trademark Office are filed herewith.


Accordingly, Applicant respectfully requests withdrawal of the holding of Abandonment, and consideration on the merits of Applicant's submission filed 31 January 2005.

Per MPEP § 711.03(c)(I), no fees are required for this Petition.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 28 February 2005

By: 
M. David Ream
Registration No. 35,333

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Patent Response Postcard

Inventor: Robert S. Block et al.

Appln. No.: 10/091,140

Filing

Date: March 6, 2002

Docket No.: 033386-001

Working Atty.: MDR

Date: 31 January 2005

Dkt. Clerk Initials

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Amendment or Response | <input type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Supplemental Application Data Sheet |
| <input checked="" type="checkbox"/> Amendment/Reply Transmittal Letter | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/ _____ certified copy(ies) | <input type="checkbox"/> Substitute Specification (clean/marked copies) |
| <input checked="" type="checkbox"/> Petition for 5 Month Extension of Time | <input type="checkbox"/> Information Disclosure Statement Transmittal | <input type="checkbox"/> Check for \$ _____ is enclosed |
| <input type="checkbox"/> Submission of Formal Drawings w/ _____ sheet(s) of drawings (Fig(s). 1- _____) | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> Check for \$ _____ is enclosed |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/ _____ sheet(s) of red ink drawings | <input checked="" type="checkbox"/> Information Disclosure Statement w/ 1 document(s) | <input checked="" type="checkbox"/> Charge \$ 1,650.00 to Deposit Account |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/Copy of Notice | <input type="checkbox"/> Charge \$ _____ to credit card. Form PTO-2038 is attached. |
| <input type="checkbox"/> Appeal Brief | <input checked="" type="checkbox"/> Request for Continued Examination | <input type="checkbox"/> Filed by Certificate of Mail |
| <input type="checkbox"/> Request for Oral Hearing | <input type="checkbox"/> Issue Fee Transmittal | |
| <input type="checkbox"/> Reply Brief | <input type="checkbox"/> Status Inquiry | |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species | <input type="checkbox"/> Submission of Corrected Drawings | |
| <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account | |
| <input type="checkbox"/> Certificate Under 37 C.F.R. 3.73(b) | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Transmittal Letter for Missing Parts of Application | | |

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Patent Response Postcard

Inventor: Robert S. Block et al.

Appln. No.: 10/091,140

Filing

Date: March 6, 2002

Docket No.: 033386-001

Working Atty.: MDR Debbie

Date: June 29, 2004

Dkt. Clerk Initials

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| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Substitute Specification (clean/marked copies) |
| <input type="checkbox"/> Amendment/Reply Transmittal Letter | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/ _____ certified copy(ies) | <input type="checkbox"/> Check for \$ _____ is enclosed |
| <input checked="" type="checkbox"/> Petition for 2 Month Extension of Time | <input type="checkbox"/> Information Disclosure Statement Transmittal | <input checked="" type="checkbox"/> Check for \$ 375.00 is enclosed |
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| <input type="checkbox"/> Request for Approval of Drawing Changes w/ _____ sheet(s) of red ink drawings | <input type="checkbox"/> Information Disclosure Statement w/ _____ document(s) | <input type="checkbox"/> Charge \$ _____ to credit card. Form PTO-2038 is attached. |
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| <input type="checkbox"/> Brief for Appellant | <input type="checkbox"/> Request for Continued Examination | |
| <input type="checkbox"/> Request for Oral Hearing | <input type="checkbox"/> Issue Fee Transmittal | |
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